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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/995,292      | 11/27/2001  | Rimas Buinevicius    | 070156-0168         | 9711             |

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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/995,292

Applicant(s)

BUINEVICIUS ET AL.

Examiner

Miranda Le

Art Unit

2167

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1,2,4-14, 16-23 and 25.  
Claim(s) withdrawn from consideration: None.

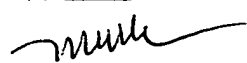
**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
GERALD W. CONSON  
PRIMARY EXAMINER

  
Miranda Le  
April 24, 2006

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants' arguments do not overcome the final rejection

1. Applicant argued that the references do not teach the limitation "providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis".

Wilson teaches a "providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis" as "For input, output (i.e. retrieve, view), or other purposes (i.e. manage [searching, storing, deleting, inserting biometric records, col. 7 lines 43-44], compare [the indexes and/or biometric data are compared in the matcher, col. 11 lines 62-63], and annotate the captured information [age, sex, date of birth, color of eyes, or height, col. 8 lines 3-4], the apparatus 10 can also preferably include a display 13, e.g., including a graphical user interface, or other computer systems interface or peripheral devices, e.g., printers, plotters, image processors, data collectors, keyboards, or data card readers" (col. 8 lines 45-50).

2. Applicant argued that the references do not teach "including time information with the captured media, biometric, and database information associated with an individual to create a multi modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured".

Payne teaches time information (i.e. time stamp of when each prior application transaction occurred) at col. 9 lines 21-23. Noted that the timestamp of the application transaction is the time of capturing image (i.e. biometric data) as "the perpetrators' facial image is captured according to the methods previously described... This time, since the perpetrator's facial image was previously stored in the checking account applicants database, and the history of this transaction is logged in the prior application history database 28D) (col. 11 lines 23-38).

Payne teaches a multi modal chronological dossier of the individual (i.e. the history of this transaction is logged in the prior application history database, col. 11 lines 23-38) and the individual (i.e. application including name, col. 9 lines 16-30).

3. Applicant argued that the references do not teach "assigning timing information associated with the individual to form a history of captured information".

As mentioned above, Payne teaches a history of captured information (i.e. time stamp of when each prior application transaction occurred at col. 9 lines 21-23) and a history of captured information at col. 9 lines 16-30 as "the history of this transaction is logged in the prior application history database".

4. In regards to claim 10, Applicant argued that the references do not teach the limitation "capturing ... information associated with an individual ... using a video camera to capture audio and moving pictures of the individual".

Musgrave teaches using of video camera (i.e. analog video camera) to capture audio and moving pictures as "The imager 100 preferably transmits the images in RS170 format to a frame grabber PCB, such as the PixLink VGX2MB frame grabber PCB, for image processing; or provides the digital images directly to the processing unit 210. "On/off" data is transmitted from the imager 100 to the processor 210 to initiate the image acquisition function. A digital image could be provided if a digital camera is used. Preferably, for an analog video camera, data is analog RS170 from the camera 105 to the frame grabber PCB, or digital from a digital camera to the microprocessor 210, and digital for all other functions" (col. 10 lines 54-64).

Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. Applicants are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claimed as explained below. The Examiner is not limited to Applicants' definition which is not specifically set forth in the claims.